

## **Tippecanoe County Drainage Board**

**December 10, 2014**

### **Harrison Meadows Regulated Drain #37**

#### **Hearing Minutes**

#### **Those present were:**

Tippecanoe County Drainage Board President David S. Byers, Vice President John Knochel, County Surveyor Zachariah Beasley, Drainage Board Attorney Dave Luhman, Drainage Board Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC. Evan Warner, G.I.S. Technician and James Butcher, Project Manager for Surveyor Office were also in attendance. Member Thomas P. Murtaugh was absent. The President David Byers opened the landowner hearing for the Harrison Meadows Regulated Drain #37. He referred to the Surveyor.

The Surveyor read the following report into the record: MAINTENANCE REPORT HARRISON MEADOWS #37 REGULATED DRAIN by the Tippecanoe County Surveyor dated October 28, 2014:

The Harrison Meadows Drain was originally established by the Tippecanoe County Drainage Board on March 14, 1979. The drain and its watershed are located in Section 22 of Township 24 North and Range 4 West in the political Township of Tippecanoe, Tippecanoe County, Indiana. The fund is currently \$12,838.69 in the red due to maintenance performed on a portion of the concrete swale. At the current rate of \$15.63 per lot, it will take 22 years to pay the debt. There are approximately 733 lineal feet of concrete swale, 2375 lineal feet of grassed swale, and 375 lineal feet of pipe which is all to be maintained by this maintenance fund. The watershed contains 38 single family residential lots and 13.2 acres. Drainage Easements dedicated by the final plat of Harrison Meadows Subdivision will be utilized for the statutory county regulated drain right of way. It is the judgment of the Tippecanoe County Surveyor that a sum of \$22,636.48 is needed to pay off the existing charges and to maintain and improve the existing system. An assessment rate of \$75.00 per lot over an 8 year period is recommended. This will generate \$23,400.00 over an 8 year period. It is the opinion of the Tippecanoe County Surveyor this rate increase will allow repayment of the fund and ensure that monies will be generated for future maintenance on this system. Respectfully submitted by Zachariah Beasley, P.S., M.S. Tippecanoe County Surveyor He referred back to the Board. The President David Byers stated the following: The Board received a letter of objection written by Bruce Tyrie of 6127 Warrior Drive West Lafayette Indiana. The attorney noted for the record the Board member had received and read the remonstrance letter filed with the Surveyor Office. The letter would be made a part of the hearing. John Knochel made a motion to enter this remonstrance letter into the official record of the Harrison Meadows #37 Maintenance Increase Hearing. David Byers seconded the motion. President David Byers asked for public comment.

Pat Goodman 6108 Battleview West Lafayette Indiana approached the Board for comment. She stated the following:

"I have a few questions- I understand the fund is in the hole and it has to come from somewhere. I would like to know if the Drainage Board would send people out to do anything to the properties in that area, like dig the swale a little deeper if it is silted in. In other words what are we going to see as a result of this increase?"

The Surveyor stated he was aware that Pat Goodman had called his office and spoke with James Butcher his assistant/project manager who was also in attendance today. He discussed the history of the drain and stated he had a list of maintenance which had been completed to date since 1979 with him today. He noted in 2011 one invoice totaled over \$10,000 spent regarding work completed on the concrete swale located in the northeast portion of the subdivision along with maintenance work on the concrete overflow structure on the detention basin in the rear yards of houses located in said northeast corner of the subdivision. A tree grew up in that location and damaged the overflow structure and pipe causing obstruction of the flow of water through that area. Additional work was completed on the pipe outfall at that location as well. He reviewed the site using the GIS site for the landowner and the Board. He explained to the attendees the original petition and what was covered at that time. He explained maintenance procedures and noted that it did not include cleaning leaves/debris from the ditch. That was the owner's responsibility to keep there are of the swale clean of debris. He explained the Drainage Code explanation of maintenance. If the drain does not perform as it was intended, such as freezing and thawing of concrete headwall/structures, causing obstructions- pipe busting etc. then maintenance of this sort would be allowed by Drainage Code. He reiterated this did NOT include cleaning debris, leaves or landscape clippings etc. out of the ditch/swale. The storm sewer pipe in this case is concrete and when it starts breaking up outside of road right of way then the office would perform maintenance on the pipe. He stated the proposed 8 year total collected for maintenance was approximately \$22,000 and that amount would not go far when buying 24" rcp pipe in today's economy. He stated, while \$22,000 may seem like a lot of money; when purchasing pipe, fixing storm sewers including installation the amount does not go far. He reviewed additional historical claims for the drain. He reiterated his office would not be out in the area removing debris, clippings trash etc. from the ditch as it was not part of the maintenance as established. After discussion he noted he would provide Pat Goodman with a copy of the Infrastructure which was covered under the maintenance. It was also noted there was no homeowner's Association for this subdivision. She thanked the Surveyor for the information.

Steve Egly Battleground Town Council member approached the board to inquire about an assessment notice and did not know what exactly this notice was for. He would like to clarify the intent of the notice. He stated Battleground owned the property where the water tower was located and the Battleground Conservancy utilized it. The Surveyor confirmed the

assessment notice received by the Town Board regarded road right of way assessment not the tract that the tower was located on. Me. Egly confirmed the Town of Battleground maintained the road right of way. The President Dave Byers interjected Tippecanoe County in addition to the Railroad Company pays an assessment on their right of way as well. Mr. Egly thanked the Board for their information. The Surveyor referred to the President at that time. The President referred to the Attorney.

Board Attorney David Luhman read the following Findings and Order of the Board into the record as follows:  
**BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD IN THE MATTER OF THE HARRISON MEADOWS #37 REGULATED DRAIN: FINDINGS AND ORDER (ANNUAL MAINTENANCE) RE-ESTABLISHING A NEW MAINTENANCE RATE:** This matter came to be heard upon the maintenance report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on October 28, 2014. The Certificate of Mailing of notice of time and place of hearing, to all affected landowners was filed. Notice of publication of time and place of hearing in the Journal and Courier, Lafayette Indiana was filed. One (1) remonstrance was filed. The Surveyor's Office received a letter Dec. 1, 2014 from landowner Bruce Michael Tyrie 6127 Warrior Drive West Lafayette Indiana 47906 (Harrison Meadows Subdivision Lot 22), which will be made a part of the official proceedings. Evidence was presented by the Tippecanoe County Surveyor and landowners affected were present. A list of those present is filed herewith. After consideration of all the evidence, the Board does now FIND THAT:

- (1) The maintenance report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on October 28, 2014.
- (2) Notice of filing of the maintenance report and the schedule of assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.
- (3) Notice of the time and place of this hearing was given by publication in the Journal & Courier newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
- (4) The legal drain consists of 733 lineal feet of concrete swale and 2375 lineal feet of grassed swale and 375 lineal feet of pipe.
- (5) The present condition of the ditch is fair due to previous maintenance.
- (6) The ditch needs the following maintenance at present:  
Re-occurring problematic issues with the headwall i.e.: erosion
- (7) There is now \$12,838.69 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 38 single family residential lots / 13.2 acres.
- (9) Estimated annual cost of maintenance is \$2829.56.
- (10) Estimated annual benefits to the land drained exceed repair and maintenance costs.
- (11) A fund for annual maintenance should be re-established.
- (12) In order to provide the necessary maintenance fund, the annual assessment per lot benefited should be re-established: \$75.00 to be collected over an 8 year assessment period.
- (13) The assessment list filed herewith should not be amended.
- (14) The assessment list filed herewith is fair and equitable and should be adopted.
- (15) The assessment should be collected starting with the May 2015 taxes.

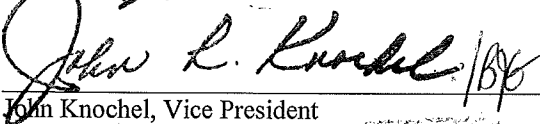
**NOW, THEREFORE, IT IS ORDERED THAT:**

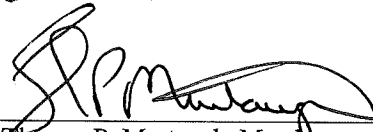
- (1) A maintenance fund be re-established for the Harrison Meadows #37 Regulated Drain at the annual rate of \$75.00 per lot benefited and to be collected for an eight (8) year assessment period.
- (2) The Schedule of Assessments filed herewith are adopted and made a part thereof.
- (3) The first annual assessment shall be collected with the **May 2015** taxes.

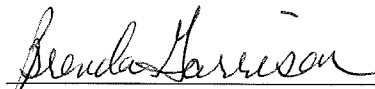
Dated at Lafayette, Indiana this 10<sup>th</sup> day of December 2014. Signature lines for the Drainage Board attest by the Secretary

John Knochel made a motion to approve the Findings and Order of the Harrison Meadows #37 Regulated Drain. David Byers seconded the motion. Motion carried. The Hearing was adjourned.

  
David S. Byers, President

  
John Knochel, Vice President

  
Thomas P. Murtaugh, Member

  
Brenda Garrison, Secretary